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SUPREME COURT, U. S.

IN THE

Supreme Court of the United States

OCTOBER TERM, 1973

No. 73-1219

MARIAN VIRGINIA BUXTON,
IN PROPRIA PERSONA,

Petitioner,

v.

AERO MAYFLOWER TRANSIT COMPANY, INC.,
through its officers, and its Attorney,
Joseph C. Gwaltney, Counsel for the respondent,

Respondent.

A PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

MARIAN VIRGINIA BUXTON
Watergate Apartments
428, No. 6, Captain Drive
Emeryville, California 94608

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TABLE OF CONTENTS

	Page
PETITIONER'S PRAYER	1
CITATION TO OPINION BELOW	2
CONSITUTIONAL PROVISIONS INVOLVED	2
JURISDICTION	3
STATEMENT OF THE CASE	4
REASONS FOR GRANTING THE WRIT	6
CONCLUSION	8
APPENDIX	9
Schedule of Cases, Statutes, Points of Authority	9
Order of the United States District Court, Alexandria, Virginia, on Civil Action 72-73A, May 18, 1973	14
Order of the United States Court of Appeals for the Fourth Circuit at Richmond, Virginia Civil Action No. 73-1785	15
Docket for Case 72-73A, U.S. District Court, Alexandria, Virginia, containing Marshall's service and change of address to outright lies of the U.S. Appeals Court Decision for the Fourth Circuit	19
Statutes:	
Administrative Law Nos. 710 and 711 Am. Jur. 2d Statutory Methods of Obtaining Review of Action of Administrative Agencies	9

Page

Civil Rights Act of 1964 9

Liability in Damages, No. 8 U.S.C. No. 47 11

Civil Rights Act No. 16; 15 Am. Jur. 2d. 9

Constitutionof the U.S.A., Anno.: 9

Amendment No. 6, Senate Document No. 39, 88th Cong. Law U.S., p. 1000 13

Amendment No. 13, No. 2, 42 U.S.C. 1985(3) Law No. 1, 16 Am. Jur.2d, p. 151 Criminal Liability No. 16, PP.241, 242 9

Digests of Civil Rights, No. 1.3 Ed., Index to Anno. Civil Rights, Conspiracy, Discrimination 10

Rules of the Supreme Court:

No. 7(b)
No. 11 12
Lawyers Edition No. 17, Court Rules, Constitution, The Lawyers Cooperative Publishing Company

Fraud and Deceit, Anderson's Uniform Commercial Code Text, Cases, Commentary No. 4, 2d Ed., pp. 13-14 Code Sections 9-101, 10-104, Official Code Comment No. 9, 102:1 dealing with unauthorized signatures (duress, extortion, fraud, coercion) 10

Securities, Scope, and Suggestions Related to Lost, Stolen, Destroyed Securities. U.C.C. No. 8-405, P. 821, Lost, Stolen, Destroyed Securities specifying when the owner is harried from asserting his claim thereon as owner, when the issuer must issue replacement security (as to insurance). 12

Page

Shareholders Action,s pp. 991-1005, Moore-Vestal p. 540(7) Special Damages. Moore and Vestal in Federal Practice KF8840, M64. My Moore, James William, and Vestal, Allen D., Vestal D., Bender M., Albany, 1962 13

Tort, Federal Tort Claims Act, pp. 762-767 Construction and Application of 28 U.S.C.S. No. 2675 (a), as amended in 1966, and implementing regulations requiring presentation of claim to and denial of claim by a Federal Agency before the Court Action can be instituted against the United States. Federal Tort Claims, Cooperative Lawyers Publishing Co., Rochester, 1972 13

Fraud and Deceit, Anderson's Uniform Commercial Code, Text Cases, Commentary No. 9, 102.1 Article 9, Transaction and Interests to which Article 9 is applicable, any secured transaction 10

Constitutional Law: The requirement of a three-judge panel at the level of the United States District Court . . 9

Constitutional Law: Constitution of the United States of America Annotated Senate Document No. 39, 88th Cong. Law U.S. p. 1000 – Right to a Speedy and Public Trial, Amendment 6 of the Constitution . . 9

Crime Control Act of 1968 13

Actionable Conspiracy, 16 Am. Jur. Conspiracy No. 50, 51, 53, 56 American Journal of Monopolies, Combinations, and Restraints of Trade, 1st Ed. 13

IN THE

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MARIAN VIRGINIA BUXTON,
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AERO MAYFLOWER TRANSIT COMPANY, INC.,
through its officers, and its Attorney,
Joseph C. Gwaltney, Counsel for the respondent,

Respondent,

A PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

PETITIONER'S PRAYER

Petitioner, Marian Virginia Buxton, prays that a Writ of Certiorari issue to review the Judgment of the United States Court of Appeals for the Fourth Circuit entered on and Decided January 22, 1974, in the above entitled cause.

CITATION TO THE OPINION BELOW

The opinion of the United States Court of Appeals for the Fourth Circuit is printed in the Appendix attached hereto. *Infra*, page .

CONSTITUTIONAL PROVISIONS INVOLVED

(1) The Fifth Amendment to the United States Constitution provides in pertinent part: "No person shall . . . be deprived of life, liberty, or property without due process of law."

(2) Digest of Conspiracy #17, U.S.L.Ed. Constitutional Law #101, Involuntary Servitude and Peonage #1.

(3) Fraud and Deceit, Anderson's Uniform Commercial Code, Text, Cases, Commentary #9, 102.1 Article 9, Transaction and Interests to which Article 9, etc. is applicable; any secured (insured) transaction.

(4) Tort, Federal Tort Claims Act, page 762-767 as amended in 1966, and implementing regulations requiring presentation of claim to and denial of claim by a Federal Agency before Court Action can be instituted against the United States under the Federal Tort Claims Act, PP 762-767 Vol. 13, ALR Lawyer's Cooperative Publishing Company, Rochester, New York 1972.

(5) Digests of Civil Rights #1.3 L.Ed. The Index to Anno. Civil Rights, Conspiracy, ALR Quick Index, Conspiract, Discrimination.

(6) Liability in Damages under #8 USC #47 for conspiracy to deprive a person of his civil rights. 95 L. Ed. 1253.

(7) Griffin, Eugene, *et al.*, petitioners v. Breckinridge, Lavon, *et al.*, 403 U.S. 88, 29 L.Ed., 338-351, Civil Rights Decision of the U.S. Supreme Court in 1971. The action was based on 42 USC 1985(3) which authorizes the recovery of damages where two or more persons conspire or go in disguise on the highway or on the premises of another for the purposes of depriving any person or class of persons of the equal protection of the laws or of equal privileges and immunities under the laws.

(8) Criminal Liability for depriving or conspiring to deprive a person of his civil rights. Civil Rights Act of 1964, No. 16.

(9) The Citizen's Right to a Speedy and Public Trial, Constitution of the United States Anno: Amendment No. 6, Senate Document No. 37, 88th Congressional Law U.S. p. 1000.

(10) Fraud, Statute of Frauds. Statute No. 8-319.1, P. 670, etc.

(11) Securities, Scope, and Suggestions Related to Lost, Stolen, Destroyed Securities, U.C.C. No. 8-415,

(12) Crime Control Act of 1968,

(13) Actionable Conspiracy, 16, Am. Jur. Conspiracy No. 50, 51, 53, 56 American Journal of Monopolies, Combination and Restraints of Trade, 1st Ed.

(14) Constitutional Law: The requirement of a three judge panel at the level of the United States District Court.

JURISDICTION

(1) The jurisdiction of this court, the Supreme Court of the United States to issue the Writ of Certiorari in this

Civil Action arises from the following actions: Federal Tort, denial of the right to a speedy and public trial at the level of the U.S. District Court or the United States Appeals Court for the Fourth Circuit. Some sort of public hearing was supposedly held at the level of the U.S. District Court in Alexandria, Virginia, of which plaintiff was not notified although resident in Washington, D.C.

(2) Appended hereto are the decisions emanating from this U.S. District Court hearing, and the decision and opinion of the United States Appeals Court at Richmond, Virginia, for the Fourth Circuit. No witnesses, testimony, or exhibits were permitted in any courtroom and no notification was made of any hearing date whatsoever. The Marshall's service was completed with the summons as per the docket sheet and every word the U.S. Appeals Judge says is an outright lie. The plaintiff was on bond. The mail was sent to a post office box in Alexandria from which it was forwarded, and then to a post office box in California, where it was called for and forwarded to appellant. Appellant called frequently long distance to Alexandria to the Clerk of the U.S. Court of Appeals, Fourth Circuit and was told it was being processed by a committee of three Judges and there would be no hearing.

STATEMENT OF THE CASE

(1) Aero Mayflower Moving and Storage Company sent a truck to the new residence of petitioner at Washington, D.C., driven by an employee #1011-M, named J.L. Henry, described on the receipt at carrier or authorized agent for the company named as respondent. This truck delivered to petitioner, about one-third of a consignment of household goods all in broken and damaged condition. About one-third of a consignment consisting of somewhat less

than fifty cartons and unpacked oil paintings, garden tools, etc. The loss is considerably over $10,000, the amount of the insurance, and includes expenses for long distance telephone calls, local calls, restaurant meals necessitated by theft of the china, sterling silver, kitchen equipment, and small electrical appliances. In addition it was necessary to purchase new bedding, new clothing, shoes and to sacrifice social activities such as home entertaining. A Steamer trunk and a suitcase containing handcut glass and classified papers done in research at the University of California and some legal documents needed in Washington were stolen, necessitating a trip back to California.

(2) After demanding $1,766.12 in advance, the truck drive and agent dumped everything remaining of the shipment in the small apartment, completely closing off the closet door. Despite repeated complaints, no one has appeared to adjust the matter, to arrange the furniture or to examine the breakage.

(3) Attached to original case was a list of 122 cartons and a few receipts in zerox copies. The consignment represents almost the entire furnishings of a five-room cabin at Lake Tahoe, and other belongings from storage which furnished a mansion in Happy Valley Lafeyette, and a brand new duplex in Moraga, California. Mayflower has had an enormous amount of patronage from petitioner and her husband, Lt. Commander (ret.) James Morgan Buxton, deceased, costing about a total of $25,000. Almost all the cartons were smashed in, knife thrusts made in oil paintings, chip out of Eames chair, bent floor lamp, scratches on tables, the best and newest clothing was stolen, imported perfume, texts, and business documents were missing in addition to the above losses. None of the above

possessions were delivered to petitioner until she was intimidated into paying the bill in advance. The shipment was lot number 0577-27, bill of lading #618815, order for service #321027, and was transferred from the Aero-Mayflower Agency at Carnelian Bay, California.

(4) The same procedure ensued moving new purchases and the remaining broken shipment to Washington, on the return trip to California.

REASONS FOR GRANTING THE WRIT

(1) The case is primarily one of conspiracy to deprive of civil rights by ruining a small business enterprise purposely, conspiracy to defraud, and Federal Tort, in the transportation of household goods and fixtures for a small business from California to Washington, D.C. and back again on an insured basis.

(2) The petitioner is asking Writ of Certiorari to the United States Court of Appeals for the Fourth Circuit for an order of the Court for insurance reimbursement and expenses in the amount of $10,500 plus $1,500 additional for travel, stationery, typing, postage, and telephone calls, filing fees, and inconvenience, harassment, and discrimination as to women in business, plus damages.

(3) Petitioner claims to have been subjected to extortion in order to obtain possession of the fixtures for the small business and personal and business belongings, forbidden under the Crime Control Act of 1968, and Actionable Conspiracy, 16 Am. Jur. Conspiracy No. 50, 51, 53, 56 American Journal of Monopolies, Combination and Restraints of Trade, 1st Ed.

(4) Petitioner also prays of the Honorable Supreme Court, a Writ of Certiorari to the United States Court of Appeals for the Fourth Circuit for judgment for repayment for conspiracy to defraud under the Statute of Frauds, Statute No. 8-319.1, etc., Fraud and Deceit, Anderson's Uniform Commercial Code, Text, Cases, Commentary No. 4, 2d Ed., pp. 13-14 Code Sections 9-101, Commentary #9, any secured transaction.

(5) Petitioner prays of the Honorable Supreme Court of the United States, a Writ of Certiorari to the United States Appeals Court for the Fourth Circuit because of conspiracy to perpetuate a Federal Tort into the United States Court of Appeals for the Fourth Circuit despite the ruin of the entire van load going both ways with wilful destruction and vandalism, poor service, and wilful theft from the moving van which has gone unpunished, and for which the petitioner has not been reimbursed. Petitioner estimates the cost to her as upwards of $20,000 by this time, and with this much legal action required to obtain justice. The Marshall's service of the summons was duly effected as per the docket sheet and the change of address was duly made on the appeals and docket as per the notices to the Court and lawyer. Appellee's please see appended docket of U.S. District Court with correct address changes.

CONCLUSION

(6) Therefore, petitioner pleads fraud, conspiracy to defraud, extortion of a large sum of money, Federal Tort at the level of the United States District Court, and Federal Tort at the level of the United States Court of Appeals for the Fourth Circuit, and discrimination as to sex at having been robbed of the fixtures of her small business without insurance reimbursement or justice in the United States Courts.

(7) Petitioner prays Writ of Certiorari to the United States Court of Appeals for the Fourth Circuit from the Honorable United States Supreme Court.

(8) Petitioner has never had any civil rights in thirty one years of classified, scrutinized life, especially the head of a family status of California and wishes her money for emigaration from the United States to immigration for residence status in France with whom she has corresponded regarding this matter, unless employment is offered here.

(9) Exhibits as to the goods transported and the insurance and the cancelled checks for an amount of almost $4,000 have been included in the previous case and the affidavits can be exhibited in the courtroom or in submission to the U.S. Supreme Court.

Respectfully submitted,

Marian Virginia Buxton

APPENDIX

SCHEDULE OF CASES, STATUTES, AND POINTS OF AUTHORITY

1. Administrative Law Nos. 710, 711, Am. Jur. 2d Statutory Methods of Obtaining Review of Actions of Administrative agencies.

2. Amendments to Rules of Civil Procedure for the U.S. District Courts; Supplemental Briefs of the U.S. Courts, p. 1037, Vol. 398, *U.S. Reports,* October Term, 1969, May 18 to June 19, 1970.

3. Civil Rights Act of 1964, No. 2000(b)(3), prohibiting discrimination in places of exhibition or entertainment, page 439, No. 201(b)(3) and related provisions (42 U.S.C.), p. 439.

4. Civil Rights Act No. 16; 15 Am. Jur. 2d.

5. Constitutional Amendments: The Thirteenth Amendment of the Constitution of the U.S.A., No. 2, 42 U.S.C. 1985(3).

6. Constitutional Law No. 1: 16 Am. Jur. 2d, Constitutional Law Nos. 1, 2, p. 151,

> "A Constitution is . . . the supreme law . . . Its principles and rules rest on the fundamental concept of a supreme law expressed in written form in accordance with which all private rights must be determined and all public authority administered. . . ." 16 Am. Jur. 2d, Constitutional Law Nos. 1, 2, p. 151.

7. *Criminal Liability,* under 16, pp. 241, 242, for depriving or conspiring to deprive a person of his civil rights, 20 L.Ed. 2d, 1454.

8. Derivative Actions by Shareholder, Rule 23.1 (Investment Securities), p. 404, *U.S. Supreme Court Digest.*

9. Digest of Conspiracy, No. 17, U.S. L.Ed., Constitutional Law No. 101, *Involuntary Servitude and Peonage,* No. 1.

10. Digests of Civil Rights, No. 1.3 Ed., Index to Anno. Civil Rights, Conspiracy, Discrimination.

11. Forgery, Fraud, and Misrepresentation as Grounds for Cancellation of Deeds, pp. 139, 142, 145; 23 Am. Jur. 2d, *Deeds,*

> "A deed executed under such circumstances is ineffective to pass title even to an innocent purchaser."

12. Fraud and Deceit, Anderson's *Uniform Commercial Code,* Text, Cases, Commentary No. 4, 2d Ed., pp. 13-14; Code Sections 9-101, 10-104, Forged or Unauthorized Signatures, official Code comment No. 9, 102:1, Article 9.

13. Frauds, Statute of Frauds. Statute No. 8-319.1, p. 670. Investment Securities Nos. 8-104.1 to 8-104.2. p. 673; No. 8-105.1, p. 698; No. 8-204.1, pp. 670-675. Sections dealing with forged signatures.

14. Fraudulent Conveyances, p. 371, *U.S. Supreme Court Digest,* Lawyers Edition No. 17, Court Rules, Constitution, The Lawyers Cooperative Publishing Company, etc., Rule 18(b), Joinder of Remedies.

> "Whenever a claim is one heretofore cognizable only after another claim has been prosecuted to a conclusion, a plaintiff may state as claim for money and a claim to have set aside a conveyance fraudulent to his (as to

> him) without first having obtained a judgment establishing the claim for money."

15. *Griffin, Eugene, et al., Petitioners v. Breckinridge, Lavon, et al.*, 403 U.S. 88, 29 L.Ed. 339-351, Civil Rights Decision of U.S. Supreme Court in 1971. 91 S.Ct. 1790, No. 144, Argued 13 and 14, 1971, Decided June 7, 1971. Summary: The action was based on 42 U.S.C. 1985(3), which authorizes the recovery of damages where two or more persons conspire or go in disguise on the highway or on the premises of another for the purposes of depriving any person or class of persons of the equal protection of the laws or of equal privileges and immunities under the laws.

16. Investment Securities, Adverse Claims No. 8-304, *Notice to Purchaser*, p. 739, U.C.C. Effect of delivery without endorsement. Right to compel endorsement, p. 749, No. 8-308. Effect of endorsement without delivery.

> "An endorsement of a security whether special or in blank does not constitute a transfer until delivery of the security on which it appears or if the endorsement is on a separate document until delivery of both document and the security."

17. Investment Securities, Issue and Issuer, Anderson's *Uniform Commercial Code*, No. 3, p. 683, U.C.C. 8-201; Issuer, U.C.C. 8-202, pp. 683-690; U.C.C. Part No. 3 – Purchase – Rights acquired by purchaser, Adverse Claim, Title acquired by *bona fide* purchaser, pp. 726-727, U.C.C.

18. Liability in Damages under No. 8, U.S.C. No. 47, for conspiracy to deprive a person of his civil rights. 95 L.Ed. 1253.

19. Libel and Defamation, pp. 296-337, *U.S. Supreme Court Reports,* Lawyers Edition No. 29 L.Ed. 2d, U.S. 403 Law U.S. 5, 2d set (403) U.S. *George A. Rosebloom, Petitioner v. Metromedia, Inc.*, 403 U.S. 29, 29 L.Ed. 2d 296, 91 S. Ct. 1181, No. 66, Argued Dec. 7 and 8, 1970, Decided June 7, 1971. The District Court in the libel action, held that the Constitutional standard required by the First Amendment whereby recovery of damages for certain defamatory falsehoods was prohibited unless it was proved that it was uttered with a knowledge that it was false or not, was inapplicable unless the plaintiff was not a "public official" or a public figure and instructed in accordance with Pennsylvania libel laws.

20. Pleadings and Motions 9:11; Notice of Hearing and Motion Day. Rule 7(b) and Rule (11) provides for Motion and other papers. Moore's *Manual of Federal Practice and Procedure.* Moore-Vestal KF8820 A313, N64(1), on application to the Court for an order shall be by motion which unless made during a hearing or trial . . . in writing . . . shall set forth the relief or order . . . a motion is not a pleading . . . a motion . . . signed with intent to defeat the purpose of Rule (11) may be stricken as sham and false."

21. Rules of the Supreme Court: "If a pleading is not signed or is signed with intent to defeat the purpose of this rule (Rule 11) it amy be stricken as sham and false."

22. Securities, Scope and Suggestions Related to Lost, Stolen, Destroyed Securities. U.C.C. No. 8-405, p. 821, Lost, Stolen, Destroyed Securities, specifying when the owner is harried from asserting his claim thereon as owner, when the issuer must issue a replacement security and what consequences flow from the presentation . . . of the

original certificates by a third person. Shareholders Actions, pp. 991-1005.

23. Shareholders Actions, pp. 991-1005, Moore-Vestal, p. 540(7), *Special Damages.* Moore and Vestal in *Federal Practice* KF8840, M64. By Moore, James William, and Vestal, Allen D.; Vestal, D., Bender M., Albany, 1962.

24. *Tort,* Federal Tort Claims Act, pp. 762-767. Construction and Application of 28 U.S.C.S. No. 2675(a), as amended in 1966, and implementing regulations requiring presentation of claim to and denial of claim by a Federal Agency before the Court Action can be instituted against the United States. Federal Tort Claims, Cooperative Lawyers Publishing Co., Rochester, 1972.

25. Constitutional Law: The requirement of a three-judge panel at the level of the United States District Court.

26. Constitutional Law: Constitution of the United States of America Annotated, Senate Docuement No. 39, 88th Cong. Law U.S., p. 1000 – Right to a Speedy and Public Trial, Amendment 6 of the Constitution.

27. Crime Control Act of 1968.

28. Actionable Conspiracy, 16, Am. Jur. Conspiracy No. 50, 51, 53, 56 American Journal of Monopolies, Combination and Restraints of Trade, 1st Ed.

EASTERN DISTRICT OF VIRGINIA
POST OFFICE BUILDING, ALEXANDRIA

MARIAN VIRGINIA BUXTON, *Plaintiff,*	:	
v.	:	Civil Action
	:	No. 72-73-A
AERO-MAYFLOWER TRANSIT COMPANY, INC., *Defendant.*	:	

ORDER OF DISMISSAL

THIS CAUSE came on to be heard on the 18th day of May, 1973, upon the motion of the Defendant, by Counsel, to dismiss, proper notice having been served on the Plaintiff, and the Plaintiff did not respond to the calling of her name, therefore, it is

ADJUDGED and ORDERED that this cause be, and it hereby is, dismissed.

ENTERED this 21st day of May, 1973.

/s/ OREN R. LEWIS
JUDGE

WE ASK FOR THIS:
GWALTNEY and KING

By JOSEPH C. GWALTNEY /s/
Joseph C. Gwaltney,
Counsel for Defendant

A True Copy, Teste:
W. Farley Powers, Jr., Clerk

By /s/ BETTY DODSON
Deputy Clerk

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 73-1785

MARIAN VIRGINIA BUXTON,
Appellant,

v.

AERO-MAYFLOWER TRANSIT COMPANY, INC.,
Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Oren R. Lewis, District Judge.

Before Haynsworth, Chief Judge, Winter and Widener, Circuit Judges.

(Submitted October 1, 1973) (Decided January 22, 1974)

Marian Virginia Buxton proceeding *pro se;* Joseph C. Gwaltney, Attorney for Appellee.

PER CURIAM:

Marian Virginia Buxton brought this suit, *pro se,* to recover damages allegedly sustained to her furniture and household goods by Aero-Mayflower Transit Company during a move from California to Washington, D.C. Service of the summons and complaint was attempted upon Aero Mayflower through its agent, listed by Buxton to be at an address in Alexandria, Virginia. The marshal's return shows that service was not executed, however, as a different transit company had its offices at the listed address. On April 17, 1973, Aero Mayflower moved to dismiss the complaint on the grounds that it had not been properly served with process and that the suit was filed in the wrong district court. Notice was given that the motion would be heard by the district court on April 27, 1973. Buxton failed to appear at the hearing and the motion was continued. Notice was sent to Buxton's listed addresses that a hearing on the motion would be held on May 18, 1973. Again, Buxton failed to appear and the district court dismissed the complaint. We affirm.

Rule 41(b) of the Federal Rules of Civil Procedure provides that "[f]or failure of the plaintiff to prosecute or to comply with these rules or any order of court, a defendant may move for dismissal of an action. . . ." Although the rule authorizes dismissal on motion of the

defendant, it is settled law that the court may dismiss on its own motion, and Rule 41(b) expressly recognizes the inherent power of courts to dismiss suits for lack of diligence in bringing them to trial. *Link v. Wabash Railroad Co.*, 370 U.S. 626 (1963). The authorities are uniform in holding that the power to dismiss for failure to prosecute lies in the sound discretion of the district court, reversible on appeal only on a clear abuse of that discretion. *Stern v. Barnett*, 452 F.2d 211 (7th Cir. 1971); *Michelsen v. Moore-McCormack Lines, Inc.*, 429 F.2d 394 (2d Cir. 1970). *Sheaffer v. Warehouse Employees Union, Local No. 730*, 408 F.2d 204 (D.C. Cir. 1969); *Timmons v. U.S.*, 194 F.2d 357 (4th Cir., cert. den., 344 U.S. 844 (1952).

Although dismissal for failure to prosecute is a harsh sanction,[1] we cannot say that the district court abused its discretion in the circumstances of this case. Every reasonable effort was made by Aero Mayflower to notify Buxton of the pending motion and the hearing date. The only excuse proffered by Buxton is that she did not receive the notices of the hearings since she moved back to California in the interim. It is Buxton's duty to keep the court informed of her correct address, and this failure, coupled with the fact that service on Aero Mayflower was never accomplished, clearly warrants the district court in dismissing for failure to prosecute when she failed to appear when the motion was reached for hearing. See *Janousek v. French*, 287 F.2d 616 (8th Cir. 1961).

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[1] Unless the court otherwise states, an involuntary dismissal under Rule 41(b) operates as an adjudication on the merits and thus is with prejudice to the bringing of a new action based on or including the same claim. *Himalayan Industries v. Gibson Mfg. Co.*, 434 F.2d 403 (9th Cir. 1970); *Glick v. Balentine Produce, Inc.*, 397 F.2d 590, 593 (8th Cir. 1968).

Because we note, however, that the grounds for the motion to dismiss which may have been well taken, do not go to the merits of the claim, the dismissal should be without prejudice.

AFFIRMED AND REMANDED.

C/A 72-73-A

CIVIL DOCKET
UNITED STATES DISTRICT COURT

Jury demand date:

TITLE OF CASE	ATTORNEYS
KARIAN VIRGINIA BUCKON vs. AERO MAYFLOWER TRANSIT COMPANY, INC.	For plaintiff: pro se General Delivery Alexandria, Va. 22313 P.O. Box 311 Coronado Bay, Calif. 92011 Local address: P.O. Box 311 Alex., Va. 22313
NATURE OF ACTION: breach of contract - alleged destruction of household goods	For defendant: Joseph C. Gualtney, Esq. 1400 North Uhle St. Court Sq. West Bldg. Arl., Va. 22201 525-9400

STATISTICAL RECORD	COSTS		DATE	PROCEEDINGS	AMT.	AMT.
J. S. 6 mailed	Clerk		5-23-72	Fil	Paid	
			5-24-72	Summons issued		Pd.
J. S. 6 mailed	Marshal		6-15-72	Pltff's Affidavit	2.00	
			6-27-72	Order		Pd.
Cause of Action:	Docket fee					
	Witness fees					
Plaintiff's Attorney:	Depositions					

C/A 72-73-A

DATE 1973	PROCEEDINGS	Date Order Judgment
Feb. 23	COMPLAINT filed.	
Feb. 23	SUMMONS issued and delivered to Marshal for service.	
Feb. 26	UNDERTAKING for costs in amt. of $250 filed.	
Mar. 27	MARSHAL'S return on summons unexecuted and filed.	
Mar. 23	ALIAS SUMMONS issued and delivered to Marshal.	
Apr. 30	MARSHAL'S return on alias summons executed - filed.	
Apr. 17	MOTION to dismiss together with notice returnable 4/27/73 filed by deft.	
May 27	TRIAL PROCEEDINGS: (Judge Lewis) This matter came on for hearing on defts. motion to dismiss. Appearances of counsel for the defts. Motion to be continued until May 10, 1973.	
May 3	NOTICE returnable for May 10, 1973 for hearing on motion to dismiss filed by the defts.	
May 10	TRIAL PROCEEDINGS: (Judge Lewis) This matter came on for hearing on deft's motion to dismiss. Appearances of counsel for deft. Pltf. called and came not. This case stands dismissed. Deft. to prepare order.	
May 21	ORDER of dismissal entered & filed. Copies sent. (C/C)	
June 1	NOTICE of appeal filed by pltf. Copies sent.	
June 4	APPEAL undertaking in Amt. of $250 filed.	
June 15	RECORD on appeal in 1 vol. mailed to U.S.C.A.	